

## **REMARKS/ARGUMENTS**

### ***Claim Objections***

Claims 17, 26 and 27 are objected to for informalities. Claim 17 on page 52, line 1 contained a misspelling. Claims 26 and 27 were inadvertently made dependent on claim 23 rather than claim 24. Appropriate amendments to claims 17, 26, and 27 have been made to address these objections. Thus, the objections should be withdrawn.

### ***Claim Rejections – 35 U.S.C. § 112***

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the term “navigation-recording logic” lacks antecedent basis. Claim 3 has been amended to depend from claim 2 rather than claim 1. Claim 2 properly established antecedent basis for this term. Therefore, the rejection should be withdrawn.

### ***Claim Rejections – 35 U.S.C. §§ 102 & 103***

Claims 1, 2, 4, 12, 14-16 and 20-27 are rejected under 35 U.S.C. § 102 (e) as being anticipated by United States Patent Publication No. 2004/0179659 to Byrne et al. (“Byrne”). Claim 3 is rejected under 35 U.S.C. § 103 as being obvious over Byrne in view of U.S. Patent Publication No. 2002/0111994 to Raghunandan et al. (“Raghunandan”). Claims 5-10 and 17-19 are rejected under 35 U.S.C. § 103 as being obvious over Byrne in view of U.S. Patent Publication No. 2001/0044751 to Pugliese et al. (“Pugliese”). Claims 11, 13 and 28-25 are rejected under 35 U.S.C. § 103 as being obvious over Byrne. For the § 103 rejections, Byrne is cited as a § 102 (e) reference.

Applicants have elected to overcome the §§ 102(e) and 103 rejections by removing Byrne as a prior art reference with a declaration of the inventor, Kevin Packingham, under 37 C.F.R. § 1.131. The declaration establishes that Mr. Packingham conceived the subject matter of this invention prior to Byrne's filing date of August 21, 2001. The Declaration and supporting exhibits also provide testimony and supporting documentary evidence that diligence was exercised in reducing the claimed inventions to practice from at least just prior to August 21, 2001 until constructive reduction to practice with the filing of the present application on September 26, 2001.

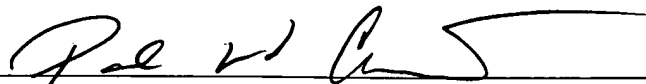
The Declaration is included as Appendix A to this Response, and the supporting exhibits are included as Exhibits 1 through 8. Appendix A and its supporting exhibits are sufficient to remove Byrne as a prior art reference. Accordingly, the rejection of pending claims 1-35 under both 35 U.S.C. §§ 102 and 103 based upon Byrne as a § 102(e) reference should be withdrawn.

In view of the Declaration and its supporting exhibits, the removal of Byrne as a reference, and the fact that the other grounds of rejection and objection imposed in the Office Action have been overcome by the foregoing amendments, the application is believed to be in condition for allowance and the same is respectfully requested.

Respectfully Submitted,

**McDonnell Boehnen Hulbert & Berghoff LLP**

Date: Feb. 18, 2005

By:   
Paul W. Churilla  
Reg. No. 47,495